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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**
11

12 LAVION NELSON,

13 Plaintiff,

14 v.

15 JOHN DOE, et al.,

16 Defendant.
17

No. CV 08-4966-PSG (AGR)

**ORDER TO SHOW CAUSE WHY THIS
ACTION SHOULD NOT BE DISMISSED
WITHOUT PREJUDICE**

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19 On August 4, 2008, Plaintiff, a prisoner, filed a complaint pursuant to 42 U.S.C. §
20 1983 and proceeded in forma pauperis.

21 On September 9, 2008, based on its screening pursuant to the Prison Litigation
22 Reform Act of 1995, the Court dismissed the complaint with leave to amend. The Court
23 ordered that if Plaintiff chooses to file a First Amended Complaint, it must be filed no
24 later than October 9, 2008. The Order expressly warned that "If he [Plaintiff] fails to
25 timely file a First Amended Complaint or fails to remedy the deficiencies of his complaint
26 as discussed above, the Court will recommend that the action be dismissed without
27 prejudice for failure to prosecute." (Dkt. No. 6.)
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1 To date, Plaintiff has not filed a First Amended Complaint and has not otherwise
2 responded to the Court's Order filed September 9, 2008.

3 Accordingly, IT IS ORDERED that, on or before December 1, 2008, Plaintiff shall
4 show good cause, if there be any, why this action should not be dismissed without
5 prejudice for failure to prosecute and/or failure to comply with a court order. **Filing a**
6 **First Amended Complaint on or before December 1, 2008, shall be deemed**
7 **compliance with this Order to Show Cause.**

8 **If plaintiff does not timely file a First Amended Complaint or if Plaintiff fails**
9 **to respond to this Order to Show Cause, the Court will recommend that the action**
10 **be dismissed without prejudice for plaintiff's failure to prosecute and/or failure to**
11 **comply with a court order. See Link v. Wabash R.R., 370 U.S. 626, 629-30, 82 S. Ct.**
12 **1386, 8 L. Ed. 2d 734 (1962).**

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14 DATED: October 31, 2008



ALICIA G. ROSENBERG
UNITED STATES MAGISTRATE JUDGE